

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1719.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CATSUP.

On November 3, 1911, the United States Attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 2 dozen No. 12 bottles, more or less, ketchup, remaining unsold in the original unbroken packages and in possession of Kitchen-Whitt & Co., Ashland, Ky., alleging that the product had been shipped by E. C. Flaccus Co., Wheeling, W. Va., and transported from the State of West Virginia into the State of Kentucky, date of shipment not known, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 doz. Number 12—Ohio Valley Brand Ketchup—preserved with $\frac{1}{10}$ of 1% Benzoate of Soda—prepared by the E. C. Flaccus Co., Wheeling, W. Va." (On bottles) "Ohio Valley Preserving Co., Ketchup—prepared by the E. C. Flaccus Co., Wheeling, W. Va., factories "A" Wheeling, W. Va., "B" New Philadelphia, O., "C", Barnesville, O., prepared from tomatoes, sugar, salt, spice, vinegar and preserved with $\frac{1}{10}$ of 1% Benzoate of Soda."

Adulteration was alleged in the libel for the reason that the product contained and consisted in whole or in part of a filthy, decomposed vegetable substance, to wit, bacteria, yeasts, spores, and mold filaments, in such quantity as to render the same unfit for food.

On December 21, 1911, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding the product adulterated and misbranded, although the libel alleged adulteration only. It was further ordered by the court that the product should be destroyed by the United States marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 7, 1912.*